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Wit at a Pinch.

A country girl one morning went
To market with a Pig;
The little cur-tail not content,
Squeaked out a merry jig.

A gentleman, on passing by,
Laughed much and jeering spoke:
"I wonder, Miss, your child will cry,
When wrapped up in a cloak."

"Why, Sir," quite pert the girl replies,
"So bad a breeding has he,
That ever and anon he cries
WHEN'ER HE SEES HIS DADDY!"

Congressional.

SPEECH OF THE

HON. A. STEWART, Of Pennsylvania.

On Internal Improvements and
the Tariff. Delivered in the H.
of Representatives of the United
States, March 14, 1846.

MR. STEWART, of Pennsylvania, said, he had not intended to address the committee on the subject now under debate, but some of the remarks of the gentleman from Virginia, (Mr. Bayly,) who had just resumed his seat, had induced him to depart from that purpose, and to throw himself on the indulgence of the committee.

That gentleman opposed this bill on two grounds: 1st, he denied the constitutional power of Congress to pass it; and 2dly, he denied the expediency of doing so if the power existed.

He wished to say a few words, in the first place, in reply to the constitutional objection, and then notice some of the other remarks of the gentleman, in the order they might occur to him, for he had taken no notes. As to the power, it seemed to him if Congress had not power to pass this bill, it had not power to pass any of the three hundred bills now upon the calendar. What are those bills? What is their end and purpose? They are all introduced in pursuance of that provision of our admirable Constitution, which declares that "Congress shall have power to pass all laws necessary and proper to carry into execution the foregoing powers." The grants of power were, in a very few words, thus—"Congress shall have power to regulate commerce with foreign nations, and among the States," "declare war, raise armies, provide and maintain a navy, establish post offices and post roads;" and having thus briefly indicated the great and substantive powers of the Government, it wisely declared, that Congress should have power to select the means "necessary and proper" for carrying into effect these powers. This, perhaps, would have followed as a matter of course; but, to remove all doubt, it had been expressly inserted. Now, what was the character of all, or nearly all, the bills on your calendar, and all the laws in your statute books? They were but the means provided for carrying into effect the great and express powers of Government, and if this bill to improve harbors or rivers, to facilitate the commerce and defence of the country, was unconstitutional, then all our bills are equally unconstitutional, and Congress might as well adjourn and go home, and for all the good they are likely to do, let them think the sooner the better. The repeal of the tariff, the sub-treasury, and war, with all their bitter and disastrous fruits, he feared were the only measures to be expected from the continued deliberations of the present Congress. The Southern strict constructionists, however, found their constitutional doctrines exceedingly convenient; whatever they wish to carry was perfectly constitutional, without the least shadow of a doubt; but whenever a measure is proposed which they dislike, and want to defeat, they have an easy expedient always ready—they get behind the Constitution; it does not suit their taste; they do not relish its provisions; and of course it is contrary to the Constitution. But whatever pleases Southern notions, or Southern interests, is all right—altogether constitutional.

Mr. S. did not derive the power to pass a bill for internal improvements from any one special grant in the Constitution; it depended upon the character of the improvement proposed—upon its end and object. If it was intended to facilitate commerce among the States, the power to pass it resulted from the power "to regulate commerce among the States." If it was intended as a military road or canal, it referred itself to the military powers. If it was designed for mail purposes, then the right to pass it was derived from the post office power. Thus each and every constitutional grant of power carried with it as a necessary incident, its own appropriate means of execution; and without this the Constitution would have been a dead letter, and this Government could never have been put in motion.

The Constitution did not, of course, enumerate all the things that Congress may do; it could not indicate all the laws that Congress might pass to carry on the Government in all time to come; that was impossible, and the attempt would have been preposterous. The Constitution in that case, would have been, not an organic law, but a code of laws for a great and

growing nation throughout all time. The Constitution conferred on the Government of the country great and leading substantive powers of a general character. It said that the Government should have power to defend the country; power to regulate its commerce; power to transmit intelligence. Then it declared that the Congress might do whatever was "necessary and proper" to carry out and make effective these general grants, and suit them to the wants and exigencies of the country, as they should be developed in the progress of time and the arts. "Congress," says the Constitution, "shall have power to establish post offices and post roads," and there it stopped; and there, according to the doctrines of the gentleman from Virginia, the power of Congress to act stopped also. Yet how was it that Congress, by virtue of this grant, had passed volumes upon volumes of laws establishing a Post Office Department, providing for the transportation of the mails, the punishment of offences, and so on; if the doctrines of the gentleman were correct, all these laws were unconstitutional and void; and so of all the laws passed for light-houses, buoys, beacons, seawalls, forts, arsenals, and every thing of the kind, from the foundation of the Government up to the present hour. The gentleman's constitutional metaphysics subverted the whole of them, "and like the baseless fabric of a vision left not a wreck behind."

When a gentleman proposes any measure to Congress for its action, and the inquiry was raised as to the constitutional power to enact it, his answer must depend on the subject matter; his first task was to show that it was "necessary and proper," as a means of carrying into execution some one of the granted powers. When he had shown that, he had a right to ask its adoption, and if a majority of both Houses of Congress concurred with him it would be adopted, if not it would be rejected, and here was the scrutiny, and the only scrutiny, against unconstitutional legislation. Suppose the subject was a road, the military power in the Constitution empowered Congress to make military roads for the transportation of armies and munitions of war. And so the commercial power authorized Congress to make commercial roads, whether over the land, or by the channels and course of rivers. The military power gave Congress a right to build a fort, but a fort might be so situated as to be useless without a road leading to it; therefore, Congress has the same power to make the road that they have to erect the fort.

If gentlemen would give themselves the trouble to look into the decisions of the Supreme Court, they would find that, that enlightened tribunal had laid down the doctrines he advocated, as the true & just interpretation of the Constitution. In the case of McCulloch vs. the State of Maryland, reported in 4th Wheaton, Chief Justice Marshall declared this to be the clear and undoubted meaning of that instrument. The powers Congress ordinarily exercise, are but in their nature means of executing powers; and the only limit, or restriction, imposed by the Constitution on the discretion of Congress, is, that the means shall be "necessary and proper" to the end of carrying out of the granted power. Within that limitation Congress can do whatever they judge expedient in carrying out the express powers.

Who is to judge whether a measure proposed is "necessary and proper" to the execution of an express power? Congress must judge for itself; the degree of necessity is not indicated. The Constitution does not say the means employed must be absolutely or indispensably necessary—not at all; all that it requires is, that the means employed shall be fit and useful for the purpose indicated. Such is the unanimous opinion of the Supreme Court, as delivered by Chief Justice Marshall. Some gentlemen think it constitutional to make a long road, or improve a long river, but not a short one. Length or breadth, or locality, have nothing to do with the question. Whether the road be five miles long or five hundred, is a matter perfectly immaterial, the true question is, what is its purpose? Suppose a road to a fort be but a mile long, if it is needed to reach the fort it is constitutional to make it, as much so as if it were a thousand miles long.

Mr. S. contended, that, as a means of national defence, a general system of railroads connecting our cities on the seaboard, and penetrating the interior, was better and more effectual (in an extended country like ours) than any system of fortifications that could be devised. Should an enemy make a demonstration on any point on the seaboard, before he could approach and effect a landing, troops could be collected sufficient to prevent the success of his enterprise. Had we possessed such roads in the last war, this city would never have fallen into the hands of the enemy; in two hours troops might have been brought from Baltimore, who would have effectually checked the march of the invaders, and they never would have wrapped this Capitol in flames. But forts, except in very particular cases, may be avoided; the invading force can get round them; and they can choose their own place of landing, and they will choose accordingly. But with a good net-work of

railroads, and with improved rivers, rendered navigable as highways, you can gather your strength at any requisite point, and that at the shortest notice.

The gentleman would bring us back under the system of the old Confederation; but that has been tried, and found insufficient for the well being of a country so extensive as ours. In a time of peace, (and in our past history, as I trust in our future, we shall have comparatively but little war,) forts are useless. Costing millions and millions to erect them, they are utterly without value; while, at the same time, they continue to cost large sums to keep them in a state of repair and suitably manned. But rail roads are as useful in peace as in war. They are well worth all they cost for purposes of commerce and intercourse. What are forts worth in time of peace? They are not only useless, but a source of continual expenditure. And if railroads are a better means of defence than forts, then they are more constitutional, being more "necessary and proper" for carrying out the defensive power conferred upon Congress.

Having thus given my views of the constitutionality of this bill, I will say a word or two as to the expediency of the measures it proposes.

The gentleman from Virginia (with many other gentlemen from the South,) are terribly alarmed at this system; they apprehend it is going to bankrupt the Treasury—to waste the hard earned money of the people; that it is a licentious and abominable proceeding, wholly without legal warrant or useful end. What! Wasteful, prodigal, unconstitutional to improve the country? Why, has it not been done from the very foundation of the Government? Has it not been done by every Congress from that day to this? Why, then, has not the Treasury been bankrupted by this horrid system long before now? Why should gentlemen confine themselves to the future? It is easy to prophesy—but, on their own principles, why has the thing not occurred long ago? I believe we have a Treasury still—not, indeed, a very full Treasury, but with a present surplus of seven or eight millions lying idle and useless—useless to the Government, but not useless to the banks in which it is deposited. But the gentleman thinks that this system will involve appropriations to the tune of a hundred millions of dollars per annum, and read the veto message containing this frightful phantom.

In 1824, with the powerful aid of Mr. McDuffie, and many other distinguished Southern gentlemen, a general system of internal improvement was adopted, and a board of internal improvement, organized by Mr. Calhoun, the Secretary of War, ordered to examine the whole country, and lay down a plan, accompanied with estimates, for improving the entire Union, so as to enable Congress to select the most national and important. The board, after a general reconnaissance, made a report accordingly, proposing the appropriation of perhaps a hundred millions of dollars; and this was what was put into the message to frighten the people; it answered its purpose well—it did alarm the country. But then the gentleman and the message forgot to state, that it was to be spread over perhaps a hundred years; and even now, the gentleman talks of a hundred millions being voted immediately, and the Treasury bankrupt. These attempts to frighten the people, by talking about hundreds of millions, is all sheer humbug. Nothing of the sort was ever dreamed of, and gentlemen know it. Every power conferred to our hands, may be abused; but does that prove that the power does not exist? What power do we hold, according to the gentleman's own admission, which we may not abuse? We have the power to levy taxes, and we may carry this so far as to bankrupt, not the Treasury, but the People. We have the power to raise armies and build fleets—and will the gentleman deny the existence of these powers because they may be abused?

But how is it that gentlemen from the South now talk so loud and long about the inequality of the system—it is now all at once a system of Western robbery and plunder. At the last session, these gentlemen were exceedingly kind and accommodating to the West. But why? They wanted Western votes for Texas—they wanted their "logs rolled." These western rivers were then "inland seas"—all right, constitutional, and expedient—plenty of money for the West—no objection. But their logs are now at the mill—they have got Texas and don't want Oregon, and now all at once their tune is changed. Now the cry is, oh! you western robbers, you cormorants, you ravenous wolves, nothing will satisfy you short of "all of Oregon," and the last dollar in the Treasury. But Mr. S. contended that the people of the West had been the mere step-children of this Government. When its good things were being distributed among its favorites, the West has received comparatively nothing. And why? The seat of power was on the seaboard. They gave the West a few crumbs, and they had to be "thankful for small favors." He would venture to say, that if a line should be drawn one mile above the flow of the tides, and from our Western boundary and the lakes around this whole Union, it

would be found that the whole of the appropriations, made far all the rivers and roads, and all other objects of improvement, in the whole of the interior embraced in this vast boundary, from the foundation of this Government up to the present hour, would not amount to as much as had been expended on a single fort or breakwater on the seaboard—he referred to the Delaware breakwater and the "Rip Raps." Scarcely as much as it had cost to erect the splendid edifice in which we are now deliberating. And yet it was said the West had got more than their share, and that nothing could satisfy their ravenous appetites. Last session, the harbor and river bill, which for the first time made some liberal appropriations to western objects, was vetoed by the accidental President, who had never received a single vote for that office—an act of usurpation which would have produced an universal burst of indignation, but for the insignificance of the man.

[Mr. Cobb here desired to ask Mr. Stewart, whether he had not voted for that man as President? Mr. Stewart replied, never—for President, never, sir; but he would not stop to bandy words about Tyler the subject was too low and disgusting.]—(A laugh.)

Though the people of the West had contributed millions on millions to the Treasury, what had they ever received? Comparatively nothing. Her money, like her great rivers, had flowed in perpetual streams to the Atlantic, never, never to return. Where were her appropriations for buoys, light-houses, beacons, forts, breakwaters, and all the thousand objects which carried the contents of the Treasury to the East? The interior and the West had none of these objects; and if appropriations for works of internal improvement must be denied, what was she ever to receive? The doctrine of these ultra constructionists would take from the Government all power to appropriate a dollar to the West. Where was our army? on the seaboard. Our navy? on the seaboard. Our ship yards? on the seaboard. Our forts? on the seaboard. Our buoys and beacons? on the seaboard. Our piers, harbors, breakwaters, and other defences? on the seaboard. Take away from us our internal improvements, and what have we left? Nothing, sir, absolutely nothing. What Western man could vote for such doctrines? it would be reason to his country and constituents to do so. But he would turn the attention of gentlemen to one fact that seemed to be forgotten in some quarters. In times past, the West was as nothing in the estimation of certain transcendental constructionists, while the Atlantic States were the whole Union. To the backwoodsmen, they gave out of mere condescension; but with a sparing hand. The seaboard took out of the head of the heap, while the West got the sweepings of the gran floor. The prime dishes on the Government table were for the princes of the Coast, while the West must be content with the crumbs. But a period was fast approaching when the West could no longer be found begging for crumbs, and having even the crumbs refused, or given with a niggardly hand. No, sir! If the people of the West were at this moment fully represented, according to their present population, in that Hall, they would Command what they now had to ask in vain. If they had their rights on this floor to-day, they would control the legislation of this country. But a few years would set this matter right. Four or five years would bring the next census, and then the people on the west of the Alleghenies would demand with a voice that would not be disregarded—it would then be their turn to give and take; and let gentlemen beware in time.

Gentlemen said the States ought to make these improvements. But what was the character of these works? Were they not national in every respect? The great rivers of the West belonged to no State or States—they were the property of the whole country. They constituted the States' boundaries, as did the Atlantic—they were as national as the ocean. These rivers were among the internal concerns of no State. What right had any State to carry on improvements in rivers which were not theirs? The gentleman from Virginia said that the States had ruined themselves by their internal improvements. That made against his argument. They had ruined themselves in doing out of their own State funds, what ought to have been done out of the National Treasury. The execution of works strictly national, had been improperly cast upon the States; and if they had been ruined, it was because the General Government had refused to exercise its own legitimate powers and perform its legitimate duties. A sense of common justice would lead Congress to appropriate something to enable the West to clear out her rivers, and build her roads, and develop her boundless resources. The improvements provided for in this bill, might save, annually, hundreds of lives and millions of property. When gentlemen formerly talked about the commerce of the United States, nobody thought of any thing but foreign commerce. That was the commerce of the country. Internal commerce was nothing—it was forgotten and overlook-

ed. Every thing must be done for our foreign commerce, nothing for internal commerce, though it now amounted to more than twenty times as much as the whole of our boasted foreign commerce. Yet gentlemen still go for foreign commerce; nothing but foreign commerce was constitutional. Foreign labor—foreign goods—foreign every thing. All was foreign, foreign, foreign. All was British—nothing American. Mr. S. had no idea that this Government had no duty, no obligation to any body but foreigners. He thought our first duty was to ourselves, our country, and our own people.

[REMAINDER NEXT WEEK.]

MASS CONVENTION IN ALLEGHENY.

The following are the resolutions adopted by the Mass Convention held in Allegheny City, on the 8th instant:

RESOLVED, That this Convention is assembled under an impulse of self preservation, at a crisis of overwhelming interest. Already, at one session of the Legislature, have our claims to justice been baffled and repulsed; and there is reason to fear that every hour may bear upon its wings the shout of final triumph over our blasted hopes and ruined fortunes.

RESOLVED, That it would ill comport with the deep and solemn feelings of this occasion to indulge in the language of menace. But we cannot shut our eyes to the truth, that no association of men can long endure, which is felt by a large portion only through its power to oppress. Our humble request has been for permission to open a road over our own property, guarded by the necessary legislative sanctions. Every inch of the soil belongs to those who unite eagerly in this wish. They hold it under a direct grant from the Commonwealth, with all privileges and appurtenances, in consideration of moneys paid into the public Treasury. Most of the owners along the route have heretofore known the government only as a Collector of Taxes, and as having rendered useless or unproductive, the roads constructed by private enterprise. Yet now in the attempt to make one of the most obvious and familiar uses of their property, they are arrested by a malign influence—distant three hundred miles—usurping the name of the Commonwealth! The united owners may run a plough through the whole distance, but shall not be suffered to open a road! No instance of tyranny so highhanded; so exasperating; so fatal to all the motives that impel men to labor, and the acquisition of property, can be found even in the history of Ireland's oppression by the power at London. That power seeks rather to soothe the pang of political subjection by munificence and by lavish aid to every project of improvement. An attempt to deprive Irishmen of the free use of the soil beneath their feet would over-rule all political and religious dissensions, and enable them to cast off the oppressor forever. And we, Freemen of Pennsylvania, will not tamely submit to be stripped by a power at Philadelphia, of the advantages which God and Nature have placed within our reach. Who can undertake to fix a limit to these encroachments if not now resisted. The same influence which has been brought to bear against the South-western counties, will equally interdict the owners of property along the Allegheny River, from constructing a Railroad or a Canal through their lands. And while we are thus made to feel, at every turn, the galling evils of our political association with Philadelphia, the minutest scrutiny cannot enable us to discover a single countervailing benefit. It has been said, with truth, that the great purpose of social organization is to secure a prompt and faithful administration of justice. How is it with us? Before the Supreme Court, sitting at Pittsburgh, may be brought from the West, the North, and the South, all the litigation, springing out the vast and multifarious transactions of those regions, even though it originate before a Justice of the Peace. Yet for a long series of years, we have seen here only a broken Bench, because all the Judges reside east of the Mountains, and because, forsooth, business is to be done at Philadelphia utterly incongruous to the functions of a Court of Error. An unfortunate wretch has lingered in the Pittsburgh Jail, for upwards of seventeen months, under Sentence of Death, because the Judges will not decide on the Writ of Error in his case, without a full Court, and no one can predict when that consummation shall be witnessed. These crying evils may drive us to a remedy which will leave us life, liberty, property and the pursuit of happiness, no longer dependent upon the arbitrary caprice of those whose interests and whose passions array them in an attitude of hostility towards us.

RESOLVED, That the course of Philadelphia, however it may be reconciled with a narrow selfishness, is one directly in conflict with the interests of every other part of the State. It begins and ends within her own curb-stone. We wish the attention of the Commonwealth steadily fixed upon the policy which is avowed by her most shrewd and able

men, who smile at the array of public considerations outwardly paraded, and who admit the project of a Central Railroad to be a mere imposture of the hour to distract the friends of the Bill. They hold it to be for the interest of Philadelphia, as a Mart, that the Baltimore and Ohio Railroad should strike as low down the Ohio as possible, and for reasons not very difficult to comprehend. The great rival of Philadelphia is New York. The vast natural advantages of the latter, with her spirit and enterprise in improving them, give to her an ascendancy which threatens to be irresistible. The current is towards her from every quarter, however remote. Even the Cross-cut, uniting the Pennsylvania and Ohio Canals, which it was supposed would divert all the trade on its progress towards the Lakes, proves, in fact, a tributary to the Hudson. Merchants of Philadelphia know that the western man who reaches New York or Boston first, is not likely to reserve his funds for a visit elsewhere. Baltimore, except as to Groceries, she does not regard as a formidable competitor. It is her great interest, then, to render the Southern route as attractive as possible. All who employ it must pass through Philadelphia before reaching New York, and thus be brought, with full purses, in reach of her stocks of Goods, and of her hospitable attentions. Let the terminus be at a point as far below Pittsburgh as possible, and the great thorough-fare for Goods and Passengers is established free from bugbear apprehensions about low water, &c. Such are her reflections, and such her policy; and to these she is ready to sacrifice, not only the interests of western Pennsylvania, but of the rest of the State! No one can mistake the result. The river between Pittsburg and the terminus of the Railroad, will at once be thrown out of any scheme of internal improvement, which the power of the great West may force upon Congress; and it will be abandoned forever, by common consent, to those sarcasms at its vexatious obstructions in which men of all political parties have successively indulged.

RESOLVED, That in the enormous Philadelphia speculation in Lands in Western Virginia we recognize another motive for clamorous outcry against the proposed right of way hiding itself behind the mask of zeal for the general welfare.

RESOLVED, That the policy which would regard our sister States as enemies to be plotted against, is not only at war with the best interests of Pennsylvania, but is derogatory to the age in which we live, and to the Constitution, whose sacred bond hold us together. The cherished object of the framers of that instrument was to break up any such miserable jealousy—to make us all feel that, "We, the people of the United States," had entered into a perpetual league of brotherhood and good office—to prove how wonderfully our interests entwined and run into each other—and to view every new channel of intercommunication as tending to strengthen the Union, and to advance the cause of free government. But a new doctrine is started which would erect a wall of brass around our borders, with only a single gate at Philadelphia. It reproaches the Almighty for having made rivers out of our own State. In its stupid blindness it would offer up daily prayers that the sources of the Delaware and the Allegheny, of the Susquehanna and Monongahela might be dried up, because they water soil of New York, Maryland and Virginia. The curse of God and man must rest upon such a creed!

RESOLVED, That the officers of this meeting be authorized to open a correspondence with the Managers of the Baltimore and Ohio Railroad, to ascertain whether legislative action may not be dispensed with on the unanimous cession of the owners of the soil, and to convey an assurance that in such event, the work shall be guarded against molestation at all hazards.

RESOLVED, That this Convention will adjourn to re-assemble on the 4th day of July next. Time will thus be afforded for reflection and for a full representation of those whose vital interests are at stake. The day will be an appropriate one. We may have to decide whether the Anniversary shall hereafter be looked upon by us without a deep sense of humiliation. The spirit of our fathers then severed, forever, the connection with Britain on her attempt to draw too tight the cords of colonial subjection. Shall their descendants tamely submit to be trodden under foot? There are moments in the history of every people when all wisdom is in the blood that rises at injustice and oppression. We owe a duty to the past—to ourselves—to the future. When our children shall wander over this region of deserted fields and crumbling ruins, they may well turn with scorn upon the memory of their dastard sires, who saw wrested from them, without a struggle, the choicest blessings of a continent. And history will tell the incredible tale, that while strangers eagerly extended to us the right hand of fellowship and support, an assassin dagger, drawn